

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YEMISI AKINYEMI,

Case No. 07 CV 4048
(AJP)

Plaintiff

-against-

MICHAEL CHERTOFF,
SECRETARY, DEPARTMENT OF HOMELAND
SECURITY,

Defendant
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DECLARATION OF K.C. OKOLI
IN OPPOSITION TO DEFENDANT'S
TAXATION OF COSTS

K.C. OKOLI, makes the following declaration pursuant to 28 U.S.C. §1746, under the penalty of perjury:

1. I am the attorney for the plaintiff herein, YEMISI AKINYEMI, by virtue whereof I am fully familiar with the facts and circumstances described herein.
2. I submit this Declaration in total opposition to the defendant's request to tax costs in this matter.
3. I have many objections to the taxation of costs as requested by the defendant, including the fact that defendant has not shown that all the transcripts obtained by them for the trial were "necessarily incurred". In other words, defendant has failed to demonstrate that the transcripts obtained by him were necessary for him to be able to conduct a proper trial of this case.
4. For the plaintiff's part, I did not order or obtain any transcript during the trial of this case and do not believe that the fact that I had no transcript placed me at any

disadvantage in comparison with defendant's counsel.

4. Defendant's request for taxation of costs while an appeal is pending in this matter is ill-advised. Local Civil Rule 54.1 (a) states in relevant part that **"Costs will not be taxed during the pendency of any appeal"**. An appeal was filed in this matter on August 20, 2008, and is yet to be disposed of (Document 72).

Therefore, an appeal is still pending.

5. For the foregoing reasons, the request should be denied in its entirety.

Dated: New York, New York
September 9, 2008

/s/ K.C. Okoli

K.C. OKOLI